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Commentary on Leo Groarke, "The End of Argumentment"

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Leo Groarke has a record of launching innovative issues for argument scholars to ponder. For example, he launched the visual argument initiative, and followed that with its expansion into a multi-modal argument initiative. Not a few among us owe him our thanks for promotions we earned in part by engaging with issues he has introduced into the field of argument studies. Now, in "The end of argument" he proposes yet another: *the prolong problem*. Groarke asks us to treat his paper not as a solution to the prolong problem, but rather as its introduction into the field of argument studies and an invitation to join in seeking solutions. My comments are offered in the same spirit.

I think the first thing to do is to get clear about precisely what *the prolong problem* is supposed to be. As part of that job, I think we should be open to the possibility that there are more than one, in which case we might need to be dealing with the class of prolong problems, and possibly need to be seeking different solutions to different types of prolong problem. In the spirit of balanced inquiry, we also ought to be open to the possibility that there really isn't a problem. I will look at each example Groarke uses to introduce the problem and see if we can tease out a specification of a problem in each case, and if we can and it's not the same problem in every case, see if we can come up with a generic definition. Then I will say a word about possible resources.

The UK and the EU. The status quo giving rise to the prolong problem that Lord Cledwyn identifies is that two policy-making parties share equal decision-making authority in the respect that they must agree on a proposed policy for it to be adopted; but there is no mechanism for resolving loggerhead disagreements. In the absence of some such mechanism, the arguing between the parties could be endless. Hence the status quo is insupportable.

Note first that the prolong problem arises in the situation in which there is no mechanism for resolving disagreements. The problem might have a simple solution, namely, create some mechanisms for dealing with disagreements. If that is possible, there really isn't a problem.

Some arrangements look good in theory but don't work in practice; others work in practice, when theoretically, they shouldn't. Spouses often try to share the decision-making equally without having a mechanism for resolving disagreements (and sometimes they succeed). Why should they be subject to Lord Cledwyn's worry? What actually happens at least to some couples is that they have the good sense to realize that in their situation nothing but ongoing grief is to be gained by insisting on having the last word or by granting ultimate decision-making authority to just one of them. Various procedures for dealing with loggerhead confrontations are imaginable (e.g., they might cede final authority to one or the other in different spheres of interest, they might take turns sharing veto power, and so on). Now, it might in the event be the case that when dealing with loggerhead disagreements in large bodies, such as legislative bodies, one cannot count on wisdom and good sense prevailing. If that is true, then *the UK vs. the EU* is a real case of the prolong problem. It remains to be seen whether the drastic step the UK has taken to resolve it is a good idea.

Turning to the **Saturday Shopping** example, it turns out that I have already anticipated it in discussing the UK and the EU example. We can see from that discussion that Alf and Bev have various disagreement-resolving options available to them and the fact that they have different values and

preferences need not cause them to end them up in divorce court. But the kinds of procedures and other kinds of devices that might be available to prevent *the prolong problem* from arising are likely to be different in the two instantiations of the problem situation. Recall my general description of the situation:

> The status quo is that two policy-making parties share equal decision-making authority in the respect that they must agree on a proposed policy for it to be adopted; but there is no mechanism for resolving loggerhead disagreements.

What gives rise to *a prolong problem* is the lack of a mechanism for resolving disagreements, not the fact that there are two parties whose interests and preferences might conflict. In arguing about what mechanism to employ to resolve disagreements, the parties could conceivably find themselves disagreeing and so needing a mechanism to employ to resolve disagreements. Clearly a vicious infinite regress is in the offing.

The workplace issue is a version of the classic dysfunctional university department. There are two parties or groups involved, each of which accuses the other of objectionable behaviour. There can be—as in the case Groarke describes—as few as one person constituting one party or group and as many as the whole department minus the accused (or aggrieved) party constituting the other party or group. A complication is that usually, as in the case described, there are front-line antagonists, and there are sympathizers not directly involved who lurk in the background. The antagonists also try to recruit supporters outside the groups directly involved. *The prolong problem* arises partly out of the nature of the grievance. In Groake's example, the issue came to a head over accusations of harassment—an action with such vague parameters that it invites extended flurries of charges and countercharges. The ingredients of the situation typically include one or more of variety of grievances: personal antagonisms, feelings of being threatened (e.g., risks of losing perks or advantageous positions), anxiety about the future, doctrinal differences, contempt for the other party, conflicts of rights and duties, and no clear and decisive procedures perceived by all parties as fair that permit quick and final resolution of the issue. Almost certainly, the ostensible issue of the disagreement is not the real issue that feeds it. As a result, most of the arguings are at cross-purposes.

The workplace issue example strikes me as different from the *UK and the EU* and *the Saturday Shopping* examples. In the two earlier examples, there is a decision to be made and arguing is prolonged because there is no mechanism for resolving disagreements. In the *Workplace Issue* example, it is not a matter of deciding what to do. There is an accusation of misconduct and a quasi-legal procedure with, it seems, ill-defined rules laying out the path to a finding or remedies. In institutions like universities the mechanisms available for dealing with personnel problems tend to be legalistic and not well suited to getting the underlying issues out in the open. As well, there is arguably an over-abundance of individual autonomy in the hands of people whose personalities and dispositions select them for academic excellence, not for collegiality, and for whom incontestable truth, not compromise, is their supreme ideal. Moreover, obtaining a resolution in such cases is more likely to require counselling, not arguing. If I am right, bodies like universities need to design conflict-resolution procedures that downplay arguing; and the model of legal dispute resolution, with its disputatious character and emphasis on arguing, should be avoided.

The **Justice System** is the fourth venue that Groarke suggests harbours *the prolong problem*. In the examples of legal arguing that he provides, he describes what might be called the legal arguing paradox. It seems that any effort through legislation to reduce the amount of legal arguing only results in an increase in legal arguing. It's like struggling in quicksand. The legal arguing paradox appears to be a logical consequence of the role of argument, at least in jurisdictions using the English legal system, but it in any case it seems historically to have been what happens.

This example of *the prolong problem* is different from the others that Groarke describes. It might better be called a *proliferation problem,* for it is not so much a matter of arguing about the same issue going on and on as it is a matter of one argument giving rise to several more, which give rise to more, and so on. It is a proliferation of arguing, spreading exponentially in the same fashion as a pandemic. It should be said that law is not the only institution having this property. The academic world, or that branch of it called "the humanities", equally seems to foster the proliferation of arguing, and in its place that is not a bad thing.

Recall that Groarke's aim was to illustrate what he is calling the "prolong hypothesis:

> – the thesis that there are many real life situations in which arguments which cannot settle the issues they address because they do not bring an end to arguing by resolving the issues they address, but instead prolong it, by perpetuating an indefinite (potentially endless) sequence of arguments and counter-arguments.

Have we found this phenomenon in the examples he presents? Both the *UK and the EU* and the *Saturday Shopping* examples are instances in which an indefinite sequence of arguments and counterarguments is perpetuated only if there is a failure to create mechanisms for the parties to use to resolve loggerhead disagreements. *The Workplace Issue* example is an illustration of potentially endless arguments only if those tasked with trying to resolve them are unable to free the protagonists from the court-case solution model and deal with the issues that are fuelling the otherwise irreconcilable hostility that keeps the arguing going. The paradox of the cure contributing to the spread of the disease found in the *Pursuing Justice* example does strike me as the most vexing instance of the prolong problem. It cannot be solved by switching from arguing to therapy, or by designing dispute resolution mechanisms.

When he was defining his terms at the outset of the paper, Groarke said he will understand arguing as "the giving of reasons (premises) for believing something (a conclusion)." I noticed that he didn't include also "the giving of reasons for *doing* something, such as taking an action or endorsing a policy." In fact, I believe that all his examples of the prolong problem assume arguing about what to do. That's an easy slip to correct, but it reminds us of another possible resource to bring to bear on the prolong problem, namely deliberative rhetoric—arguing about doing, to use the title of Christian Kock's recent book. In my recent anthology, *Studies in Critical Thinking* (which no one seems to have looked at yet), Jan Albert van Laar has a fascinating class exercise he calls "Middle Ground," that is designed to provide students with a device to use to settle a public controversy by means of a reasonable compromise. He references a considerable literature on compromise, negotiation, and collaborative decision making. Groarke also mentions Michael Gilbert's ideal of coalescent arguing. Gilbert reminded us of how communication theory has emphasized the manifold nature of the goals people have in arguing (Gilbert, 1997, 67), and he proposed a series of coalescent communicative procedures designed to optimize the achievement of our many goals. To solve the prolong problem in interpersonal arguing, the trick is to figure out how to change our deeply seated personal habits and social practices and replace winning the argument as our default objective with the objective of finding a workable compromise.

To sum up, what Groarke has introduced in his paper is not a prolong problem; it's a whole hatful of them. Solving some seems to call for more-clever dispute-resolution mechanisms. Others call for limiting arguing to a restricted role and developing a counselling model for problem solving. Yet others seem intractable. In other words, they all call for much more research. And that was Groarke's objective at the outset.

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